

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KYLE DAVID COLARUOTOLO

Plaintiff,

-v.-

Civil Action No.  
9:11-cv-720 (GLS/RFT)

COUNTY OF SCHENECTADY, NEW YORK;  
SGT. BARRON<sup>1</sup>; OFFICER HOWIE<sup>2</sup>; OFFICER  
SCHMIDT; OFFICER GIMMETTE; OFFICER  
MARTIN; OFFICER BUTTINGTIN<sup>3</sup>; OFFICER  
COONRAD<sup>4</sup>; OFFICER HALL<sup>5</sup>; JOHN DOE #8;  
SGT. LABRAKE; JANE DOE #1; and JOHN  
DOE #9

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

KYLE DAVID COLARUOTOLO  
Plaintiff *Pro Se*  
43A Lindbergh Avenue  
Albany, New York 12204

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<sup>1</sup> The correct spelling of this Defendant's name is "Varrone" Dkt. No. 25.

<sup>2</sup> "Officer Howie" is identified as "Howard Jones." Dkt. Nos. 16 & 19.

<sup>3</sup> The correct spelling of this Defendant's name is "Buffington." Dkt. Nos. 14 & 19.

<sup>4</sup> The correct spelling of this Defendant's name is "Coonradt." Dkt. Nos. 13 & 19.

<sup>5</sup> The correct spelling of this Defendant's name is "Hull," and we will refer to her as such, notwithstanding the fact that her Declaration, submitted in support of the Defendants' Motion for Summary Judgment, has the incorrect spelling. Dkt. Nos. 18, 19, & 29-15.

**FOR THE DEFENDANTS:**

Phillips, Lytle Law Firm  
Omni Plaza  
30 South Pearl Street  
Albany, New York 12207

MARC H. GOLDBERG, ESQ.

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed May 24, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed May 24, 2013 is ACCEPTED in its entirety for the reasons state therein; and it is further

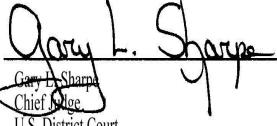
ORDERED, that John Doe #8, John Doe #9, and Jane Doe #1 be DISMISSED from this action due to Plaintiff's failure to timely identify and serve them in accordance with Federal Rule of Civil Procedure 4(m); and it is further

ORDERED, that Defendant's unopposed Motion for Summary Judgment (Dkt. No. 29) be GRANTED and this entire case be DISMISSED, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: June 17, 2013  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court